

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAWRENCE N. SQUITTIERI,

Plaintiff,

Civ. No. 9:04-CV-1264
(NAM)(RFT)

- v -

ALLEN MARK DRESHER, Dental Director, Bare Hill
Correctional Facility; GLENN GOORD, Commissioner,
New York State Department of Correctional Services;
ROBERT F. McARDLE, Dental Director NYSDOCS;
ANTHONY ANNUCCI, Deputy Commissioner/Legal Counsel,

Defendants.

APPEARANCES:

LAWRENCE N. SQUITTIERI
Plaintiff, *pro se*
P.O. Box 61
Washington, New York 10992

RANDOLPH F. TREECE, MAGISTRATE JUDGE

ORDER

Presently before the Court for review is an Amended Complaint filed by *pro se* Plaintiff Lawrence Squittieri. Dkt. No. 8.¹ The Amended Complaint names two Defendants in addition to those named in the original Complaint, and appears to set forth a more detailed statement of Plaintiff's claims.²

The amendment of pleadings is governed by Rule 15(a) of the Federal Rules of Civil Procedure. Rule 15(a) states in relevant part that "[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served. . . ." FED. R. CIV. P.

¹ The Court notes that Plaintiff was released from prison subsequent to the filing of this action. Dkt. No. 6.

² Plaintiff's Amended Complaint names "D. Peryer, Dental Assistant, Bare Hill," and "P.J. Kuhlman, Regional Dental Director" as additional Defendants. Dkt. No. 8.

15(a).

In this case, the Defendants named in the original Complaint have not yet been served with process and, therefore, no responsive pleading has been filed.³ Accordingly, Plaintiff may properly file his Amended Complaint as of right pursuant to Rule 15(a).

WHEREFORE, it is hereby

ORDERED, that the Clerk of the Court revise the docket to reflect the additional Defendants named in Plaintiff's Amended Complaint (Dkt. No. 8); and it is further

ORDERED, that the Clerk of the Court issue Summonses and forward them, along with copies of the Amended Complaint, to the United States Marshal for service upon the Defendants. The Clerk of the Court shall forward a copy of the Summons and Amended Complaint to the Office of the New York State Attorney General, together with a copy of this Order; and it is further

ORDERED, that the Defendants file a response to the Amended Complaint in accordance with the Federal Rules of Civil Procedure; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on the Plaintiff.

IT IS SO ORDERED.

Date: April 14, 2005
Albany, New York



RANDOLPH E. TREECE
United States Magistrate Judge

³ When this action was commenced, Plaintiff sought leave to proceed *in forma pauperis* but did not provide the required inmate authorization form. See Dkt. No. 3. The form was thereafter filed. Dkt. No. 4. However, Plaintiff did not provide the copies of his Complaint required for service of process (see Dkt. No. 5), but instead filed his Amended Complaint.